

AO 91 (Rev. 08/09) Criminal Complaint

FILED**UNITED STATES DISTRICT COURT**

for the

Western District of Texas

MAY 13 2013

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY MB DEPUTY CLERKUnited States of America
v.
Adrian Daniel ARMENDARIZ

Case No.

P:13-MJ-393Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 2012-April 2013 in the county of Pecos in the
Western District of Texas, the defendant(s) violated:*Code Section*18 USC 2422 (b)
21 USC 859 (a)
18 USC 1001*Offense Description*Coercion and Enticement of a Minor
Ditribution of Cocaine to a Person Under Age Twenty-One →
False Statements to a Federal Agent

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.*Complainant's signature*

Edward C. Ainsworth Special Agent HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/13/2013City and state: Alpine, Texas*Judge's signature*

B. Dwight Goains U.S. Magistrate Judge

Printed name and title

CRIMINAL COMPLAINT – Attachment

On January 17, 2013, Homeland Security Investigations (HSI) Alpine was contacted by the Fort Stockton Police Department regarding a possible inappropriate relationship between a 13 year old girl (CV1) and 19 year old male, Adrian ARMENDARIZ. HSI Alpine Special Agents Ainsworth and Ziankoski responded.

On January 18, 2013 at approximately 1400 hours, SA Ainsworth and SA Ziankoski met Fort Stockton Police Officer Evanjelina Salamanca at the Fort Stockton Middle School. Together, the officers met with the mother of CV1. The mother gave consent to search the cell phone belonging to CV1. During the interview, CV1 described both text messages and phone calls that outlined a sexual relationship with ARMENDARIZ. During a cursory inspection of her cell phone, text messages confirmed the sexual relationship as well as a cocaine trafficking scheme.

CV1 said that she was upset with ARMENDARIZ for also sleeping with a 15 year old female (CV2). CV1 stated that ARMENDARIZ had sex with CV1 in ARMENDARIZ' bedroom located at a house on Oklahoma St where he lives with his parents. CV1 stated that there was a crib in his bedroom and that the room was the first room on the right when you go down the hallway. CV1 stated that she had sex with ARMENDARIZ approximately 20 times. CV1 stated that ARMENDARIZ would either call or text to arrange for CV1 to come over for sex. CV1 stated that when CV1 had sex with ARMENDARIZ, CV1 would usually leave her clothes on and just pull her pants down to her knees. CV1 stated that she had performed oral sex on ARMENDARIZ 5-10 times. CV1 stated that she would send ARMENDARIZ naked photos of herself when ARMENDARIZ would request it. CV1 stated that ARMENDARIZ would text her stating "Send me a sexy picture." CV1 stated that she took a pregnancy test after CV1 had unprotected sex with ARMENDARIZ and the test was positive but that CV1 later had a miscarriage.

CV1 stated that ARMENDARIZ had given CV1 cocaine while CV1 was at her house. CV1 described the amount as a nickel sized bag which she put in her bra. ARMENDARIZ returned later to pick up the cocaine. CV1 stated that ARMENDARIZ was a member of the local "Gold & Black" street gang which was a chapter of the Latin Kings. CV1 stated that other members included Jose LNU, Blake Ramey, Edward LNU, Oscar Lopez-De la Rosa, and two other "gringos." CV1 stated that the members sold marijuana and cocaine out of Edwards car. CV1 stated that the members carried knives in their pockets but she had not seen any firearms.

On January 18, 2013 at approximately 1500 hours, SA Ainsworth and SA Ziankoski met Fort Stockton Police Officer Evanjelina Salamanca at the home of ARMNEDARIZ which is located at 1204 North Oklahoma St in Fort Stockton Texas. SA AINSWORTH explained the 18 USC 1001 implications for lying and the importance of telling the truth. ARMENDARIZ stated that he understood.

ARMENDARIZ stated that he was 19 years old and had most recently been dating Cassandra Matta but that Matta had broken up with him because Matta believed ARMENDARIZ was cheating on Matta. Matta accused him of cheating based on Facebook posts by CV1 and CV2. ARMENDARIZ said that he knew CV1 because they had met through the stepfather of CV1 while at a work cook out. A photo of CV1 was found on ARMENDARIZ' phone during a consensual viewing. ARMENDARIZ stated that CV1 and CV2 were related and that CV2 had posted comments on Facebook which implicated ARMENDARIZ. ARMENDARIZ stated that he had not engaged in sexual activity with either girl. ARMENDARIZ stated that he had asked for "sexy pics" from CV2, Matta, and a 17 year old ex-girlfriend (CV3). ARMENDARIZ stated that he had never texted or called CV1.

On January 18, 2013 at approximately 1600 hours, SA Ainsworth and SA Ziankoski met Fort Stockton Police Officer Evanjelina Salamanca at the home of CV2. CV2 was accompanied by her grandmother and father. CV2 stated that she had sex with ARMENDARIZ one time around Thanksgiving of 2012 at the home of CV1. CV2 stated she was not sure whether they used protection but that she had left her clothes on and only pulled them down to allow ARMENDARIZ to have sex with her. CV2 said that ARMENDARIZ had repeatedly texted CV2 "let's chill" at his residence. CV2 stated that ARMENDARIZ had also used Facebook to contact her. CV2 stated that CV1 had told CV2 that CV1 was pregnant by ARMENDARIZ.

On April 15, 2013 at approximately 1400 hours, SA Ainsworth and BPA Scroggs met ARMENDARIZ at his residence located at 1204 North Oklahoma St in Fort Stockton, Texas. SA Ainsworth asked ARMENDARIZ if ARMENDARIZ would be willing to talk with SA AINSWORTH about the results of the phone analysis. After being confronted by what had been found on the forensic analysis, ARMENDARIZ stated that he had in fact given cocaine to a lot of the girls ARMENDARIZ had dated for them to hold onto for ARMENDARIZ. Specifically, ARMENDARIZ stated that he had given CV1 a "50" of cocaine to hold onto but that the cocaine was given back to ARMENDARIZ at a later date. ARMENDARIZ stated that it was only personal use narcotics and that it was not for sale.

ARMENDARIZ stated that he had conversed with CV1 with text messages and calls to set up times to meet up. ARMENDARIZ stated that CV1 had told him she was 16 and CV1's mother had also stated that CV1 was 16. ARMENDARIZ stated that he had sex with CV1 only one time and that it was unprotected. ARMENDARIZ stated that CV1 had contacted him to tell him that CV1 was pregnant but that ARMENDARIZ did not believe it to be true. ARMENDARIZ stated that the one time he had sex with CV1 was at "Tina's place" and that CV1 had never been to ARMENDARIZ's residence. ARMENDARIZ stated that CV1's stepfather was called into work and ARMENDARIZ set up the meeting with CV1 via text message and cell. ARMENDARIZ stated that the only time he had sex with CV2 was at "Sadavi's Place."

Homeland Security Investigations Alpine, Special Agent Ainsworth reported the findings to the Assistant United States Attorney's office in Alpine, TX. The Assistant United

States Attorney, Sandy Stewart, Western District of Texas, Alpine Division was contacted. After being provided the facts of the case, Sandy Stewart authorized federal prosecution.